

REMARKS

Pursuant to paragraphs 2 and 3 of the Office Action mailed April 26, 2005, a Terminal Disclaimer to Obviate a Double Patenting Rejection is included herein.

Pursuant to paragraph 4 of the Office Action, claims 37, 41, 49 and 51 have been amended to overcome a 35 U.S.C. 112, second paragraph rejection as suggested by the Examiner.

Pursuant to paragraphs 5-8 of the office action, Independent claims 36, 47 and 55 have been amended to include first and second clamp screws 26, engagement walls 63 and angle portions 66 that are cooperatively configured for maintaining the horizontal position of first and second end portions of a workpiece while a guide bar 10 guides a power hand saw across the workpiece. Support for the amendments is found at page 19 of the specification, and in drawings 1-4. The length of guide bar 10 is determined by the length of the workpiece cut. Thus, the amended Independent claims include clamps 20L and 20R that maintain the horizontal position of opposing end portions of the workpiece during and after the cutting process. The clamps maintain the position of the severed workpiece portion by connecting opposing ends of the workpiece to corresponding opposing ends of the severed portion thereby preventing the binding or pinching of the saw blade between the workpiece and severed portion, and preventing deformation of the severed portion during the cutting process.

The Hungerford patent does not include a detachable guide bar for guiding a hand power saw across a workpiece. The device of the Grosswald patent (U.S. patent no. 3,373,781) has a fixed length and is not adjustable thereby limiting the length of the line of cut of the workpiece to the length of the Grosswald device. Further, the "C" shaped clamping portions 5 and 6 of the Grosswald patent will be vertically displaced as a power saw cuts the workpiece resulting in one of the clamping portions and the workpiece portion therein "sagging" which can bend or

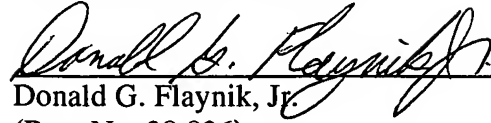
otherwise damage the workpiece as the power saw continues cutting across the workpiece.

Further, the sagging workpiece portion can pinch the hand saw blade thereby causing the saw to "kick back" and possibly injure the operator.

Independent claims 36, 47 and 55 include a device and method for maintaining the horizontal position of a workpiece portion while the device guides a power hand saw across the workpiece. The Grosswald patent does not disclose, teach or suggest a device or method to maintain the position of the two separated portions of the cut end of the workpiece secured to the Grosswald device by screws 9. More specifically, once a saw cuts the end of the workpiece attached to the Grosswald device via screws 9, the separated portions will be vertically displaced unless a support structure is disposed under each of the separated portions at the end of the workpiece. Vertical displacement of the separated portions is detrimental to a smooth, uniform, continuous cut across the entire workpiece.

Claims 36, 47 and 55 include a device and method that secures end portions of the workpiece and severed portion together throughout the cutting operation thereby preventing vertical displacement, workpiece damage and operator injury. Thus, a support structure is not required under the separated portion to prevent vertical displacement. Allowance of the application is deemed in order and is respectfully requested. If the Examiner upon consideration of the forgoing finds that a telephone interview would be helpful in expediting allowance of the present application, he is respectfully urged to call the applicant's undersigned attorney. It is submitted that all independent claims and the dependent claims corresponding thereto are now of proper form and scope for allowance.

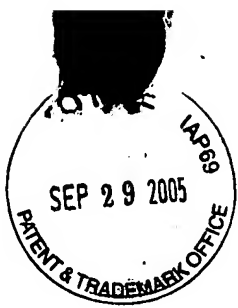
Respectfully Submitted,
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN C. MOLBURG
APPLICATION: CUTTING GUIDE WITH INTEGRAL CLAMPING AND ALIGNMENT
SERIAL NO.: 10/807,881
FILING DATE: MAY 24, 2004
ART UNIT: 3724
EXAMINER: KENNETH E. PETERSON

CASE: MOLBURG

CERTIFICATION OF MAILING: I certify that this correspondence is being deposited with the United States Postal Service under 37 C.F.R. 1.10 in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 26, 2005

September 26, 2005
DATED

Donald E. Flaynik Jr.
SIGNATURE

Honorable Commissioner for
Patents
P.O. Box 1450
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TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Sir,

In reference to the Office Action mailed, April 26, 2005, John C. Molburg hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of United States Patent No. 6,079,309 which issued on June 27, 2000 and which resulted from application serial No. 08/977,841; and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during

such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent No. 6,079,309, this agreement to run with any patent granted on the above-identified application and to be binding upon any grantee, successor or assign.

Date: September 26, 2005

By: Donald G. Flaypik, Jr.
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